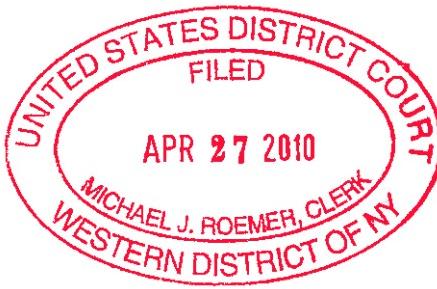


UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK



UNITED STATES OF AMERICA,

v.

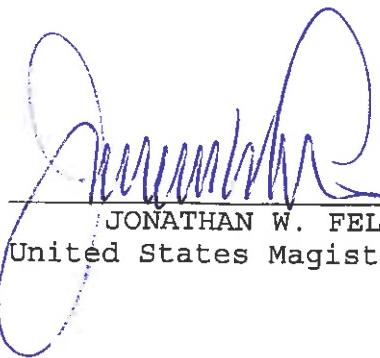
ANTHONY TOSCANO,

REPORT AND RECOMMENDATION
09-CR-6129

Defendant.

Currently before the Court are motions by defendant Anthony Toscano to suppress identification evidence and statements. (Docket # 40). A suppression hearing was held on April 27, 2010. For the reasons set forth on the record at the conclusion of the April 27th suppression hearing, it is my Report and Recommendation that defendant's motions to suppress identification evidence and statements (Docket # 40) be denied. Any objections to the undersigned's Report and Recommendation must be filed with the Clerk of this Court within fourteen (14) days after receipt of this Order. Should the defendant file objections to the Report and Recommendation, the government shall order a transcript of the April 27, 2010 suppression hearing for review by Judge Larimer. This Court reserves the right to edit the Report and Recommendation portion of the transcript for accuracy and citations.

SO ORDERED.


JONATHAN W. FELDMAN
United States Magistrate Judge

Dated: April 27, 2010
Rochester, New York